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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,289	03/17/2004	David C. Newkirk	7175-74605	3615
23643	7590	10/21/2005		
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER SANTOS, ROBERT G	
			ART UNIT 3673	PAPER NUMBER
DATE MAILED: 10/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,289	Applicant(s) NEWKIRK ET AL.	
	Examiner Robert G. Santos	Art Unit 3673	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/17, 7/23, 8/19 & 12/27/04; 1/14 & 7/18/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 16 and 21-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 17 and 29 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7232004, 08192004, 12272004 & 01142005</u> | 6) <input type="checkbox"/> Other: _____ |

CLW

DETAILED ACTION

Election/Restrictions

1. Claims 16 and 21-28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 18, 2005.

Claim Objections

2. Claim 4 is objected to because of the following informalities: In line 1, "1" should be changed to --3--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-8, 11, 12, 17 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,945,592 to Sims et al. As concerns claims 6, 11 and 29, Sims et al. '592 show the claimed limitations of a system (10) comprising a patient support (14) having a base frame and an intermediate frame (32) movable between a raised and lowered position (through element 11) relative to the base frame, the patient support having a head end and sides, a support arm (16, 18) coupled to the intermediate frame, and an equipment support (36) configured to be mounted

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on the support arm, the equipment support having a frame carrying medical equipment (44) and a post (38) extending downwardly therefrom, wherein the support arm includes a post receiver (24) such that the equipment support can be moved between a use position at the head end of the patient support and a transport position along a selected one of the sides of the patient support (as described in column 3, lines 54-56 and in column 4, lines 8-21). With regards to claims 7, 8 and 17, the reference is considered to show conditions wherein the support arm (16, 18) is pivotably coupled (through elements 22 & 28) to the intermediate frame (32), wherein the patient support has a longitudinal axis and the support arm is pivotable between a substantially longitudinally extending position and a substantially laterally extending position relative to the patient support, and wherein the equipment support (36) is rotatably mounted on the support arm (see Figures 1 & 2 and column 3, lines 54-56). As concerns claim 12, Sims et al. '592 further teach the use of a post which is conical frustum shaped in column 4, lines 29-35.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims et al. '592 in view of U.S. Pat. No. 4,744,536 to Bancalari. Sims et al. '592 disclose all of the limitations as recited in claims 1-5, 13 and 14 except for the use of a stand having a set of

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legs movable between a storage position in which the set of legs is configured to be collapsed and suspended above the floor when the stand is supported in a first position and a use position in which the set of legs is configured to extend and engage the floor in a second position.

Bancalari '536 provides the basic teaching of a support apparatus (10) comprising a stand (12) including a set of legs (18) movable between a storage position in which the set of legs is configured to be collapsed and suspended above the floor (as shown in Figure 3) when the stand is supported in a first position and a use position in which the set of legs is configured to extend and engage the floor in a second position (as shown in Figure 1). The skilled artisan would have found it obvious at the time the invention was made to provide the apparatus of Sims et al. '592 with a stand having a set of legs movable between a storage position in which the set of legs is configured to be collapsed and suspended above the floor when the stand is supported in a first position and a use position in which the set of legs is configured to extend and engage the floor in a second position in order to further facilitate transport of the apparatus in both use and storage conditions as desired.

Allowable Subject Matter

7. Claims 9, 10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner respectfully asserts that one of ordinary skill in the art would not have found it obvious to modify the system of Sims et al. '592 to include a patient support which is configured to be supported at least partially over the patient support (see column 3, lines 56-60) and a support arm having a distal end that is vertically below the

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intermediate frame when the arm is in the laterally extending position as recited in claims 9 and 10, respectively; the examiner also respectfully asserts that one of ordinary skill in the would not have found it obvious to replace the conventional castor wheel assembly of the system of Sims et al. '592 as modified by Bancalari '536 with a plurality of slide pads as particularly recited in claim 15.

8. Claims 18-20 are allowed. The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of an equipment support system comprising a *telescoping* arm configured to be mounted *relative to a hospital wall to extend therefrom* as explicitly recited in independent claim 18. As evidenced by the prior art, conventional wall-mounted equipment support systems generally comprise a plurality of linked members which simply pivot relative to each other.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newkirk et al. '019, Newkirk et al. '996, Kreuzer et al. '125, Bekanich '191, Lafferty et al. '279 and Bekanich '027.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
October 16, 2005